
THE SEVENTH JUDICIAL DISTRICT OF IOWA

CEDAR | CLINTON | JACKSON | MUSCATINE | SCOTT

GUIDELINES OF PRACTICE AND ADMINISTRATION

REVISED OCTOBER 2016

Adopted by authority of:

Iowa R. Civ. P. 1.1806

Iowa R. Crim. P. 2.35

Iowa Ct. R. 7.3

District Court Administration
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RULE 1.1: GENERAL STATEMENT

These Guidelines are a supplement to the Rules of Civil and Criminal Procedure and the EDMS Chapter 16 Rules and are not intended to supersede those rules.

RULE 1.2: EDMS CHAPTER 16 RULES

Chapter 16 EDMS Rules are to be followed including the Rules regarding redaction.

NOTE: "When the law requires the filing of an original document, such as a will, mortgage document, birth certificate, foreign judgment, or other certified or verified document, the filer shall scan the original document and file the scanned document in the electronic document management system. For a period of no less than two years or until the conclusion of the case or the conclusion of an appeal, or the conclusion of the estate, whichever is later, the filer shall immediately deliver the original document to the court upon request of the court or the other party for inspection and electronic preservation, if necessary." See Iowa Ct. R. 16.411(1).

RULE 2.1: COURT SESSIONS

Court Sessions shall be established by the Chief Judge on a yearly basis to coincide with Supreme Court rules.

RULE 2.2: EX PARTE INJUNCTIONS – DISTRICT COURT

Applications for ex parte injunctions, including those filed through EDMS, MUST be presented in person to the judge designated for that purpose each day that court is in session as follows:¹

- Scott County: 8:30 to 9:00 a.m. and 1:30 to 2:00 p.m.
- Cedar, Clinton, Jackson & Muscatine Counties: 8:30 to 9:00 a.m. and 1:15 to 1:30 p.m.

RULE 2.3: MOTIONS

- (A) All motions will be deemed submitted to the court without oral argument unless the motion is accompanied by a proposed order with hearing date and time contained therein after consulting with all other counsel.
- (B) Counsel requesting oral argument shall obtain date and time from Court Administration and shall so state in the proposed order scheduling hearing that date and time have been approved. The proposed order scheduling hearing shall be electronically submitted at the same time the motion is filed.
- (C) A proposed order granting the relief sought in the motion should be submitted at the same time as the filing of the motion.

¹ Times listed within Rule 2.2 may vary as a result of budgetary limitations.

RULE 2.4: MOTIONS FOR SUMMARY JUDGMENT

- (A) Motions for summary judgment, which are not specially set for hearing, shall be submitted without oral argument 21 days after the motion is filed.
- (B) If the moving party fails to comply with Iowa R. Civ. P. 1.981, or District Court Rule 2.5, the court may order that the motion remain unsubmitted until compliance is effected.

RULE 2.5: CONTENTS OF MOTIONS

- (A) Every motion and every resistance to a motion predicated upon a provision of the United States Constitution, or Iowa Constitution, or a statute or a rule, shall cite same. There shall be appended to or included in every motion a concise written statement of the reasons in support of or in opposition to the motion and citation of authorities relied upon.
- (B) If the moving party fails to comply with this rule, the court may order that the motion remain unsubmitted until compliance is effected.

RULE 2.6: IDENTIFICATION OF COUNSEL ON PLEADINGS

All pleadings and motions shall comply with Chapter 16 requirements.

RULE 2.7: ORDERS BY SEPARATE INSTRUMENT AND FILING

All orders shall be made by separate instrument, and shall not be a part of pleadings, motions or applications.

RULE 2.8: PETITIONS FOR REVIEW OF ADMINISTRATIVE ACTION

Promptly after twenty (20) days from the filing of a petition for judicial review under Iowa Code Chapter 17A, the petitioner shall apply to the court for an order setting the same for oral argument and for a briefing schedule. The parties may waive oral argument in writing.

RULE 3.1: COURT FILES

Court files, including exhibits and transcripts, shall not be removed from a courthouse by an attorney, attorney's staff, or abstractor without prior court order approving the removal and length of time of removal.

RULE 3.2: COUNSEL AND WITNESSES

Counsel shall examine witnesses from the counsel table except when examining a witness with respect to an exhibit.

RULE 3.3: COURTROOM RULES

- (A) Every person entering the courtroom while court is in session shall immediately be seated and conduct himself or herself in a quiet and orderly manner. Unless seating is available, no person shall be admitted into the courtroom without permission of the judge. All persons attending a court session shall remain in the spectator area behind the bar, except participants in the court proceedings.
- (B) No person shall bring into the courtroom while court is in session any sign, placard, firearm or other weapon, except with express permission of the judge.
- (C) No person shall approach the judge's bench while court is in session, or while the judge is seated upon the bench, except by permission of the judge.
- (D) All approaches to courtrooms, court offices, and other rooms within the courthouse used by judges, court personnel, counsel, litigants, witnesses or jurors, shall be kept clear at all times during courthouse business hours, for the purpose of free access thereto.
- (E) Except as provided by Canon 3(A)(7), Iowa Code of Judicial Conduct, and the Seventh Judicial District Media Policy, no person shall use any device, photographic equipment, television equipment, broadcasting equipment, or sound recording equipment, except with express permission of the judge.

RULE 3.4: TERMINATION OF EMPLOYMENT BY COUNSEL**(A) SCENARIO 1: CONCLUSION OF A CASE**

If any case has concluded, the attorney should 1) file a motion to withdraw stating that representation is finished and 2) submit a proposed order approving the withdrawal. These types of withdrawals do not require a hearing to be set.

(B) SCENARIO 2: PENDING CIVIL CASES WITH CLIENT'S CONSENT

In a pending civil case, if the client approves of the attorney's withdrawal, the attorney should 1) file a motion indicating within the body of the motion that it meets with the client's written approval and 2) submit a proposed order approving the withdrawal. These types of withdrawals do not require a hearing to be set.

(C) SCENARIO 3: PENDING CIVIL CASES WITHOUT CLIENT'S CONSENT

In a pending civil case, if an attorney wishes to withdraw because of issues/problems with a client, the attorney should 1) coordinate a hearing date and time with any other counsel of record and Court Administration; 2) file a motion to withdraw; 3) submit a proposed order setting the hearing for the date and time coordinated with Court Administration; and 4) provide notice to all parties/counsel. Attorneys must coordinate a date and time with counsel and Court Administration.

(D) SCENARIO 4: PENDING CRIMINAL CASES WITH PUBLIC DEFENDER'S OFFICE CASE CONFLICT

In a pending criminal case to which the Public Defender's Office (PDO) has been appointed, if the PDO has a conflict of interest the PDO should 1) file a motion to withdraw indicating that the withdrawal is necessitated by the conflict of interest and 2) submit a proposed order approving the withdrawal. These types of withdrawals do not require a hearing to be set.

(E) SCENARIO 5: PENDING CRIMINAL CASES WITH CONTRACT ATTORNEY CONFLICT OF INTEREST

In a pending criminal case to which a contract attorney has been appointed, if the attorney discovers a conflict of interest the attorney should 1) file a motion to withdraw providing sufficient explanation of the conflict and 2) submit a proposed order approving the withdrawal and appointing substitute counsel. These types of withdrawals do not require a hearing to be set.

(F) SCENARIO 6: PENDING CRIMINAL CASES – DEFENDANT SEEKING NEW COUNSEL

In a pending criminal case, if a Defendant wants a new attorney, the Defendant must file a motion requesting new counsel. Current counsel will be directed to coordinate a hearing date and time with any other counsel of record and Court Administration and provide notice to all parties/counsel.

(G) SCENARIO 7: PENDING CRIMINAL CASES WITHOUT CLIENT'S CONSENT

In a pending criminal case, if any attorney wishes to withdraw because of issues/problems with a client, the attorney should 1) coordinate a hearing date and time with any other counsel of record and Court Administration; 2) file a motion to withdraw; 3) submit a proposed order setting the hearing for the date and time coordinated with Court Administration; and 4) provide notice to all parties/counsel. Attorneys must coordinate a date and time with counsel and Court Administration.

RULE 3.5: SUBMISSION OF EXHIBITS

Consistent with Iowa Ct. R. 16.412, attorneys and self-represented litigants should submit all proposed exhibits electronically whenever possible prior to the hearing or trial in which the party intends to offer the proposed exhibits for admission. In addition to submitting proposed exhibits electronically, attorneys and self-represented litigants should provide one (1) physical courtesy copy for the judge.

RULE 4.1: TEMPORARY SUPPORT HEARING

Except when otherwise ordered by the court, hearing on application for temporary support under Iowa Code section 598.11 shall consist of the financial statements required by Iowa Code section 598.13 and affidavits and arguments of counsel. The initial hearing on temporary support shall be scheduled for an 8:30 a.m. court hearing in consultation with all attorneys of record and Court Administration.

RULE 4.2: TEMPORARY CUSTODY HEARING

Except when otherwise ordered by the court, evidentiary hearing on application for temporary custody of minor children under Iowa Code section 598.11, and according to the requirements in the order setting hearing, shall consist of testimony of the parties, and affidavits and arguments of counsel. The hearing on temporary custody shall be scheduled in consultation with all attorneys of record and Court Administration.

RULE 4.3: CONTESTED CHAPTER 598 CASES

In the trial of cases under Iowa Code Chapter 598, including modification of decree cases, in which division of assets and liabilities, support of parties, or support of minor children is a contested issue, the following rules shall apply:

- (A) Prior to settlement or pretrial conference the parties shall file amended financial statements as required by Iowa Code section 598.13 or file a statement that such previously filed financial statement is accurate and not in need of amendment.
- (B) At least five (5) days prior to trial the parties shall file a written stipulation setting forth all of the assets and liabilities of the parties, together with the values and amounts thereof, in a form prescribed by the court. The stipulation should include the legal description of real estate at issue. If agreement cannot be reached in regard to assets or liabilities, such fact should be indicated.

RULE 4.4: STIPULATED CHAPTER 598 CASES

In the trial of cases under Iowa Code Chapter 598, including modification of decree cases, in which there are no contested issues, the following rules shall apply:

A stipulation signed by all parties and counsel for a family law case matter shall be filed through EDMS with the required dissolution checklist filed as an attachment to the stipulation. The filer should add a note that it is an agreed matter ready for immediate action in the "Special Filing Instructions for the Clerk" section. If a dissolution checklist is not attached to the stipulation, a decree may not be issued.

RULE 4.5: DECREES IN CHAPTER 598 CASES

In uncontested dissolution of marriage cases involving support payments to either party, child support, or child medical support and counsel prepares the decree, the decree shall include findings of fact concerning the following:

- Occupation of the parties and their gross incomes;
- Net monthly incomes of the parties, as shown on the child support guidelines worksheets;
- Birth years and initials only of children affected by the decree; and

- Percentage of each parent's share of "uncovered medical expenses," pursuant to the current child support guidelines.

RULE 4.6: DISSOLUTION CHECKLIST

The dissolution checklist is available on the district website at

[http://www.iowacourts.gov/About the Courts/District Courts/District Seven/Electronic Filing Information Forms/](http://www.iowacourts.gov/About_the_Courts/District_Courts/District_Seven/Electronic_Filing_Information_Forms/).

IN THE IOWA DISTRICT COURT FOR _____ COUNTY	
<div style="border-bottom: 1px solid black; margin-bottom: 10px; text-align: center;">Petitioner,</div> <div style="text-align: center; padding: 10px 0 10px 40px;">vs</div> <div style="border-bottom: 1px solid black; margin-top: 10px; text-align: center;">Respondent.</div>	<div style="text-align: center; padding: 10px 0 10px 40px;">Case No: _____</div> <div style="text-align: center; padding: 10px 0 10px 40px;"> DISSOLUTION CHECKLIST (ATTACH TO STIPULATION WHEN FILING) </div>

This checklist shall be completed by counsel for either party and filed as an attachment to any stipulated agreement seeking a final court decree in a dissolution matter.

	YES	NO	N/A
1. Has Proof of Service of Process been filed?	<input type="checkbox"/>	<input type="checkbox"/>	
2. Has 90 days passed since service of original notice OR last day of publication OR filing of acceptance of service? [Iowa Code § 598.19]	<input type="checkbox"/>	<input type="checkbox"/>	
3. Has an order waiving the waiting period previously been filed? [Iowa Code § 598.19]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. If stipulated <u>child support</u> is NOT pursuant to guidelines, are reasons for deviation specifically set forth in the Stipulation or Settlement Agreement? [Iowa Code § 598.21B(2)(d) and Iowa Ct. R. 9.11]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Are child support guidelines filed? [Iowa Ct. R. 9.10]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. There is no protective/no contact order in place.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Has a prior protective order been canceled or does one need to be canceled?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Have all pending motions been resolved?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Have both parties filed certificates of completion of Children in the Middle?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Have parties filed financial affidavits or have they been waived by the court? [Iowa Code § 598.13]	<input type="checkbox"/>	<input type="checkbox"/>	
11. Has a Stipulated or Settlement Agreement been filed separately?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. If the parties have an interest in real estate:			
a. Is a legal description for the real estate included in the Stipulated Agreement?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Have Quit Claim Deeds been prepared, or is title transferred in the Stipulated Agreement?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Is payment of costs resolved in the Stipulated Agreement?	<input type="checkbox"/>	<input type="checkbox"/>	

RULE 5.1: PLEA AGREEMENTS

To facilitate the administration of Iowa R. Crim. P. 2.10, all plea agreements made pursuant to said rule shall be reduced to writing on forms signed by the defendant, counsel for the defendant and the prosecutor, which shall be placed on record.

RULE 5.2: DISMISSAL OF CRIMINAL CASES

Applications made by the County Attorney for dismissal of pending criminal charges (including deferred judgments) pursuant to Iowa R. Crim. P. 2.33 or 2.34 shall be in writing stating the reasons therefor.

RULE 5.3: WAIVER OF SPEEDY TRIAL

Waiver of speedy trial in criminal cases shall be signed by the defendant and defendant's counsel and filed through EDMS.

RULE 5.4: PROPOSED JURY INSTRUCTIONS IN CRIMINAL CASES

- (A) Both counsel in a criminal case shall file through EDMS no later than the final pretrial conference proposed jury instructions which include the following:
1. Completed marshalling instructions including all lesser included offenses;
 2. Any stock instructions in which a modification is requested giving the modified language giving authority for the same;
 3. Any stock instruction requested that is not normally used;
 4. Proposed verdict forms; and
 5. Any miscellaneous or other instruction requested giving authority for same.
- (B) Both counsel shall email a copy of the proposed instructions above in Microsoft Word editable format to the assigned judge prior to trial or Court Administration in the appropriate county if no such judge is assigned.

RULE 5.5: CRIMINAL MOTIONS

Counsel filing motions in criminal cases shall be responsible for scheduling the matter for hearing in consultation with opposing counsel and Court Administration. A proposed order scheduling hearing shall be submitted through EDMS at the time of filing the motion.

RULE 6.1: ATTORNEY'S REPORT ON CLOSING ESTATE

When requesting approval of an estate final report, the attorney for the fiduciary or a duly appointed Referee shall make a report to the court in substantially the following form:

IN THE IOWA DISTRICT COURT FOR _____ COUNTY			
<p>In the Matter of the Estate of:</p> <p>_____</p> <p style="text-align: center;">Deceased.</p>	<p>Case No: _____</p> <p style="text-align: center;">REPORT OF ATTORNEY (ATTACH TO FINAL REPORT WHEN FILING)</p>		
<p>Comes now, _____, Attorney for the Fiduciary, and reports to the Court as follows:</p>			
	YES	NO	N/A
1. Notice of Appointment published:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Affidavit of Mailing Notice required by Iowa Code §§ 633.230, 633.304:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Fiduciary fees ordered or waived and Affidavit of Compensation filed:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Attorney fees ordered and Affidavit of Compensation filed:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a. Itemization was requested and provided:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Extraordinary attorney's fees ordered:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. If answer to 4(b) is 'yes', has Iowa Ct. R. 7.2(3) been complied with:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Has statement required by Iowa Code § 633.477(11) been included:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Income tax acquittance filed:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Inheritance tax clearance filed:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. A list of distributees is shown:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. A description of real estate is shown:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Certificates of change of title to real estate, as required, to be issued by the Clerk of Court:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. All claims filed have been paid or released:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Notice of hearing on this Report waived:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a. If not waived, proper proof of service of notice is on file:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Accounting is waived:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Court costs have been paid:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. If estate is testate and spouse is not personal representative, spouse has filed an election to take under or against the will:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Receipts for all specific bequests:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RULE 6.2: FIDUCIARY REPORTS AND FEES

Reports required by Iowa Code section 633.477 (personal representative's final report), section 633.670(1)(b) (conservator's report), and section 633.700 (trustee's report) shall include by way of summary the accounting required but shall not include daily transaction reports.

Fiduciaries requesting fees for services as a trustee or conservator under Iowa Code section 633.200 shall submit a claim or report to the court in substantially the following form:

IN THE IOWA DISTRICT COURT FOR _____ COUNTY	
In the Matter of the (TRUST) (CONSERVATORSHIP) of: _____	Case No: _____ <div style="text-align: center;">MEMORANDUM IN SUPPORT OF REQUEST FOR FEES BY TRUSTEE/CONSERVATOR</div>

- A. Trustee's/Conservator's Fee Requested: *(List fee schedule applicable and show calculation – standard fee schedule to be attached.)*

Total fee requested: \$ _____

(List fees approved the previous two reporting periods and total assets for each period.)

Period Ending	Approved Fees	Total Assets
1.	\$ _____	\$ _____
2.	\$ _____	\$ _____

- B. Explanation of Services Rendered:

Examples include:

- | | |
|--|--|
| <ul style="list-style-type: none"> ▪ Administrative Service ▪ Investment Review ▪ Asset Management Assistance ▪ Monitoring of Portfolio Assets ▪ Meetings with Beneficiaries to Review Account Assets and Confirm Investment Objectives ▪ Audit ▪ Record Keeping and Custodial Services ▪ Copies of Documents to Beneficiaries Before Hearing Date | <ul style="list-style-type: none"> ▪ Periodic Evaluation ▪ Fiduciary Income Taxes ▪ Checks Written ▪ Farm Management ▪ Rental Property ▪ Residential Property ▪ Securities Class Action Lawsuit Research ▪ Meetings with Beneficiaries ▪ Extraordinary Services |
|--|--|

- C. Services not Provided by Trustee/Conservator:

Examples include: (Tax Return Preparation; Property Management; Investment Services; Mutual Fund Fees for Fund(s) Managed by Trustee/Conservator or Affiliated Organization)

Dated this _____ day of _____, 20____.

Respectfully submitted,

By: _____

RULE 6.3: UNIFORM INHERITANCE TAX APPRAISAL FEES

In accordance with Iowa Code 633.21, in ordinary cases where their services are requested, inheritance tax appraisers shall be paid actual mileage at the State rate and the following fees:

<u>PROPERTY VALUE</u>		<u>APPRAISER'S FEE</u>
Under	\$100,000	\$100.00
Between	\$100,000 and 500,000	\$200.00
Between	\$500,000 and 1,000,000	\$300.00
Over	\$1,000,000	\$400.00

In cases requiring extraordinary time or service, the appraisers may make application for court approval of reasonable compensation.

RULE 7.1: SETTLEMENT CONFERENCE PROCEDURES

Settlement conferences shall be held in all cases except for the following case types: debt collections and mortgage foreclosures. The settlement conference judge shall not be assigned as trial judge.

Attorneys in cases set for settlement conference shall comply with the following:

(A) The attorneys shall confer in advance of settlement conference for the following purposes:

- To explore the prospects of settlement;
- To enter into a written statement of all uncontested facts; and
- To examine all exhibits which any of them expect to offer (except rebuttal exhibits), agree on the authenticity and admissibility of such exhibits so far as possible, and note in writing the grounds for objections to any not so agreed upon.

(B) At or prior to such settlement conference, counsel shall file the following:

1. A stipulation or statement of uncontested facts, signed on behalf of all parties;
2. A statement of the contested issues of fact, facts to be proved, specific legal issues, and the theories of recovery or defense on behalf of each party, including a synopsis of the party's position or assertion concerning each applicable item referred to on the settlement conference checklist, items A through E;
3. A schedule of all exhibits each party intends to offer in evidence at the trial, together with an indication of those agreed to be admissible and the stated grounds for objections to any exhibits not agreed to be admissible. Plaintiff's exhibits shall be marked by number and defendant's exhibits shall be marked by letter;
4. Any pretrial briefs;

5. In jury cases, each party shall deliver to the settlement conference judge a written copy of proposed jury instructions and a copy by e-mail or computer disk, if available, to counsel. The jury instructions shall include all of the following:
 - a. A statement of the case;
 - b. A list of all Iowa Civil Jury Instructions by number, to be requested without modification or addition thereto;
 - c. Any special issue instructions or any modified instructions;
 - d. Marshalling instructions containing all necessary elements of all claims or defenses; and
 - e. Verdict forms addressing all issues, including special interrogatories, if any, to be submitted to the jury.
- (C) All parties to the action shall attend the settlement conference, unless specifically excused by the settlement conference judge.
1. If a party is an entity other than an individual, a representative shall be present who has authority to make decisions respecting that party's claim and settlement.
 2. Attorneys shall be prepared to disclose the settlement offer and demand and the extent of their authority.
 3. Where that authority is limited, the person having the authority to authorize payment in the amount necessary to effect settlement shall be present.

RULE 7.2: SETTLEMENT CONFERENCE CHECKLIST

(A) Negligence Actions

1. All special damages, such as medical, hospital, nursing, drugs, and other expenses, with the amount and to whom paid or owed. If claim is made for the reasonable value of such services actually paid or provided by a third party, such reasonable value shall be considered, or stipulation of total amount, if possible.
2. A detailed statement of loss of earnings claimed or stipulation of total amount, if possible.
3. A detailed list of any property damage or stipulation of total amount, if possible.
4. The acts of contributory negligence claimed and any other defenses to be interposed.
5. Agreement as to use of medical reports of physicians, hospital records, etc.
6. Will a plat or survey of the scene of the accident be submitted in evidence? If so, will the parties agree upon same without the formality of calling an engineer?

7. Will photographs demonstrating the scene of the accident, or the extent of the injuries, or objects or vehicles, be submitted in evidence? If so, will the parties agree upon same without the formality of proof?

(B) Death Actions

1. Comply with the provisions respecting negligence actions, where applicable.
2. Is the death conceded to be the result of the accident? Will a death certificate be required?
3. State the age, employment, rate of earning, marital status and life expectancy of deceased. State the names, ages and relationship of dependents, if any, together with the amount of contributions made to them by deceased for a three year period prior to death.

(C) Motor Vehicle Actions

1. Comply with negligence or death actions above, if applicable.
2. Name of owner, type and make of vehicles, name and address of driver and his agency.
3. Place and time of accident, whether daylight or dark.
4. Condition of weather.
5. Character and width of street, road or highway; shoulders and nature of terrain as to level, uphill or downhill.
6. Traffic controls, if any, location of signs and significant landmarks.
7. Any claimed obstructions to view and presence of other vehicles, where significant.
8. Traffic regulations, traffic charges and disposition, with extenuating explanation, if any.
9. If property damages claimed, the cost of repairs and name of person making them, or if incapable of repair, the purchase price, age, mileage and value immediately before and immediately after the accident, or stipulation of total amount, if possible.

(D) Contract Actions

1. Whether the contract relied upon was oral or in writing.
2. The date thereof and the parties thereto.
3. The terms of the contract which are relied upon by the party.
4. Any collateral oral agreement, if claimed, and the terms thereof.

5. Any specific breach of contract claimed.
6. Any misrepresentation of fact claimed.
7. Does the party rely on a contract implied by law?
8. Is any party claiming as a third party beneficiary of a contract?
9. Whether modification of the contract or waiver of covenant is claimed, and if so, what modification or waiver and how accomplished.
10. An itemized statement of damages claimed to have resulted from any alleged breach; the source of such information, how computed, and any books and records available to sustain such damage claim, or stipulation of total amount if possible.
11. If the case does not fall within the foregoing enumerated categories, the attorneys shall set forth their positions with as much detail as possible.

(E) Condemnation Cases

Insofar as practical:

1. List those tracts to which any title disputes exist.
2. List those tracts to which the amount of just compensation is disputed, together with the defendant or defendants' interests in each tract being condemned.
3. List the respective dates of taking for each tract where compensation is disputed.
4. Set forth the parties' contentions as to method of establishing valuation.